

**KABATECK BROWN KELLNER LLP**  
BRIAN S. KABATECK, ESQ. / BAR #152054  
RICHARD L. KELLNER, ESQ. / BAR #171416  
644 South Figueroa Street  
Los Angeles, CA 90017  
Telephone: (213) 217-5000  
Facsimile: (213) 217-5010  
Email: [bsk@kbklawyers.com](mailto:bsk@kbklawyers.com)

**KHORRAMI POLLARD & ABIR LLP**  
SHAWN KHORRAMI, ESQ. / BAR #180411  
DYLAN POLLARD, ESQ. / BAR #180306  
444 So. Flower Street, Thirty-Third Floor  
Los Angeles, CA 90071  
Telephone: (213) 596-6000  
Facsimile: (213) 596-6010  
Email: [dpollard@kpalawyers.com](mailto:dpollard@kpalawyers.com)

Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
(SAN FRANCISCO DIVISION)**

**IN RE: BEXTRA AND CELEBREX ) MDL CASE NO.: 05-CV-1699  
MARKETING SALES PRACTICES AND )  
PRODUCT LIABILITY LITIGATION )**

ANNEN, et al., ) CASE NO. CGC-06-456869  
                  ) MDL Case No. 07-0953 CRB

Plaintiffs, ) **STIPULATION AND ORDER OF**  
vs. ) **DISMISSAL WITH PREJUDICE**  
            ) **AS TO PLAINTIFF STEVE SMITH**

PEIZER, INC., et al. }  
v. }  
THE STATE OF CALIFORNIA, et al. }

TYLER, INC., et al. v. BROWN & MCGEE, et al.

Defendants. }  
})

**DISCUSSIONS.**

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COME NOW, Plaintiff STEVE SMITH and Defendants PFIZER, INC., et al., by and through the undersigned attorneys, pursuant to Federal Rule of Civil Procedure, Rule 41(a), and

**STIPULATION AND ORDER OF DISMISSAL WITH PREJUDICE  
AS TO PLAINTIFF STEVE SMITH**

1 hereby stipulate to the dismissal of Plaintiff STEVE SMITH from this action, with prejudice,  
2 each side bearing its own attorney's fees and costs.

3  
4 Respectfully submitted,

5 Dated: September 24 2009

6 **KABATECK BROWN KELLNER LLP**

7 By:

8 Brian S. Kabateck, Esq.

9 Attorneys for Plaintiff STEVE SMITH

10 Dated: October 27, 2009

11 **DLA PIPER LLP**

12 By:

13 /S/

14 Matthew A. Holian

15 Attorney for Defendants PFIZER, INC., et al.

16 **ORDER**

17  
18 PURSUANT TO THE TERMS SET FORTH IN THE PARTIES' STIPULATION, IT IS  
19 SO ORDERED.

20 Dated: OCT 29 2009

21 Honorable Charles R. Breyer  
22 United States District Court